WATER WISE LANDSCAPING AMENDMENTS
2022 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ryan D. Wilcox
Senate Sponsor:
LONG TITLE
General Description:
This bill modifies provisions regarding water wise landscaping.
Highlighted Provisions:
This bill:
defines terms;
 prohibits certain public or private entities from prohibiting water wise landscaping;
and
 authorizes certain landscaping requirements.
Money Appropriated in this Bill:
None
Other Special Clauses:
None
Utah Code Sections Affected:
ENACTS:
10-9a-535 , Utah Code Annotated 1953
17-27a-531, Utah Code Annotated 1953
57-8a-231 , Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 10-9a-535 is enacted to read:



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28	10-9a-535. Water wise landscaping.
29	(1) As used in this section:
30	(a) "Mulch" means material such as rock, bark, wood chips, or other materials left
31	loose and applied to the soil.
32	(b) "Water wise landscaping" means any or all of the following:
33	(i) selection of plant materials suited to the microclimate and soil conditions that can
34	survive without irrigation once established;
35	(ii) use of water for outdoor irrigation through proper and efficient irrigation design
36	and water application; or
37	(iii) use of other landscape design features that minimize the need of the landscape for
38	supplemental water from irrigation.
39	(2) A municipality may not enact or enforce an ordinance, resolution, or policy that
40	prohibits, or has the effect of prohibiting, a property owner from using water wise landscaping
41	on the property owner's property.
42	(3) (a) Subject to Subsection (3)(b), a municipality may enact an ordinance that
43	requires any or all of the following specific water wise landscaping design requirements:
44	(i) restricts or clarifies the use of mulches considered detrimental to municipal
45	operations;
46	(ii) imposes plant densities requirements; or
47	(iii) restricts plant materials.
48	(b) A municipality may not require:
49	(i) plant densities that exceed 40%; or
50	(ii) turf grasses that:
51	(A) exceed 35% of an irrigated area; or
52	(B) to be used in an area with a width less than eight feet.
53	Section 2. Section 17-27a-531 is enacted to read:
54	17-27a-531. Water wise landscaping.
55	(1) As used in this section:
56	(a) "Mulch" means material such as rock, bark, wood chips, or other materials left
57	loose and applied to the soil.
58	(b) "Water wise landscaping" means any or all of the following:

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59	(i) selection of plant materials suited to the microclimate and soil conditions that can
60	survive without irrigation once established;
61	(ii) use of water for outdoor irrigation through proper and efficient irrigation design
62	and water application; or
63	(iii) the use of other landscape design features that minimize the need of the landscape
64	for supplemental water from irrigation.
65	(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits,
66	or has the effect of prohibiting, a property owner from using water wise landscaping on the
67	property owner's property.
68	(3) (a) Subject to Subsection (3)(b), a county may enact an ordinance that requires any
69	or all of the following specific water wise landscaping design requirements:
70	(i) restricts or clarifies the use of mulches considered detrimental to county operations;
71	(ii) imposes plant densities requirements; or
72	(iii) restricts plant materials.
73	(b) A county may not require:
74	(i) plant densities that exceed 40%; or
75	(ii) turf grasses:
76	(A) that exceed 35% of an irrigated area; or
77	(B) to be used in an area with a width less than eight feet.
78	Section 3. Section 57-8a-231 is enacted to read:
79	57-8a-231. Water wise landscaping.
80	(1) As used in this section:
81	(a) "Mulch" means material such as rock, bark, wood chips, or other materials left
82	loose and applied to the soil.
83	(b) "Water wise landscaping" means any or all of the following:
84	(i) selection of plant materials suited to the microclimate and soil conditions that can
85	survive without irrigation once established;
86	(ii) use of water for outdoor irrigation through proper and efficient irrigation design
87	and water application; or
88	(iii) the use of other landscape design features that minimize the need of the landscape
89	for supplemental water from irrigation.

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90	(2) An association may not enact or enforce a governing document that prohibits, or
91	has the effect of prohibiting, a lot owner of a detached dwelling from using water wise
92	landscaping on the property owner's property.
93	(3) (a) Subject to Subsection (3)(b), an association may enact a governing document
94	that requires any or all of the following specific water wise landscaping design requirements:
95	(i) restricts or clarifies the use of mulches considered detrimental to the association's
96	operations;
97	(ii) imposes plant densities requirements; or
98	(iii) restricts plant materials.
99	(b) An association may not require:
100	(i) plant densities that exceed 40%; or
101	(ii) turf grasses:
102	(A) that exceed 35% of an irrigated area; or
103	(B) to be used in an area with a width less than eight feet.